

## Message Text

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ORIGIN NEA-10

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TO AMEMBASSY KATHMANDU PRIORITY

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TAGS: SHUM, NP, US

SUBJECT: ADVANCE NOTIFICATION OF HUMAN RIGHTS REPORTS

REFERENCE: STATE 18330

1. FINAL TEXT OF HUMAN RIGHTS REPORT FOR NEPAL, WHICH WILL BE SUBMITTED TO CONGRESS BY JANUARY 31, IS TRANSMITTED HERewith. YOU SHOULD, AT YOUR DISCRETION, PROVIDE TEXT OF REPORT TO APPROPRIATE HOST GOVERNMENT OFFICIALS, PRIOR TO THAT DATE.

2. IN PROVIDING ADVANCE COPY TO HOST GOVERNMENT, YOU SHOULD MAKE THE FOLLOWING POINTS IN EXPLANATION:

-- THE EFFECT OF LEGISLATION WHICH BECAME EFFECTIVE LAST  
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YEAR IS TO REQUIRE THE SECRETARY TO SUBMIT A "FULL AND COMPLETE" REPORT ON THE STATUS OF INTERNATIONALLY-RECOGNIZED HUMAN RIGHTS IN EACH COUNTRY WHICH RECEIVES EITHER DEVELOPMENT OR SECURITY ASSISTANCE FROM THE UNITED STATES.

-- 109 SUCH HUMAN RIGHTS REPORTS WILL BE SUBMITTED TO THE CONGRESS O/A JANUARY 31. WE ARE PROVIDING THEREFORE AN

ADVANCE COPY OF THE REPORT ON NEPAL.

-- CONGRESS HAS EXPRESSLY REQUESTED THAT INFORMATION PUBLISHED BY INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS BE INCLUDED IN THE REPORT.

-- THE DEPARTMENT OF STATE WILL NOT DISTRIBUTE THESE REPORTS TO THE PRESS OR PUBLIC OR OTHERWISE DRAW ATTENTION TO THEM. HOWEVER, THEY WILL BE MADE A MATTER OF PUBLIC RECORD BY THE CONGRESS AND WE EXPECT THEY WILL RECEIVE ATTENTION IN THE PRESS.

3. BEGIN TEXT. NEPAL IS NOMINALLY A CONSTITUTIONAL MONARCHY AND THE CONSTITUTION OF 1961, AS AMENDED, PROVIDES FOR MANY INTERNATIONALLY RECOGNIZED HUMAN RIGHTS. IN PRACTICE THE KING IS THE SOLE SOURCE OF AUTHORITY FOR ALL GOVERNMENTAL INSTITUTIONS IN A HIGHLY TRADITIONAL SOCIETY.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING FREEDOM FROM:

A. TORTURE

TORTURE IS NOT CONDONED BY THE GOVERNMENT NOR APPARENTLY PRACTICED IN NEPAL.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT LIMITED OFFICIAL USE

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CAPITAL PUNISHMENT IS SELDOM IMPOSED IN NEPAL. NEPALESE PRISON CONDITIONS REFLECT THE GENERAL STANDARD OF LIVING IN ONE OF THE WORLD'S POOREST COUNTRIES, BUT POLITICAL PRISONERS HAVE USUALLY RECEIVED BETTER TREATMENT THAN THOSE CONVICTED OF CRIMINAL ACTS, IN TERMS OF VISITORS, READING AND WRITING MATERIALS, AND MEALS FROM HOME.

C. ARBITRARY ARREST OR IMPRISONMENT

THE PUBLIC SECURITY ACT OF 1961 PROVIDES FOR PREVENTIVE DETENTION AND "OTHER MEASURES" AS MAY BE REQUIRED TO "MAINTAIN PEACE AND SECURITY." OPPONENTS OF THE MONARCHY HAVE IN THE PAST BEEN JAILED FOR LONG PERIODS OF TIME WITHOUT CHARGES OR ACCESS TO THE COURTS. OUR INFORMATION IS THAT AS MANY AS 12 PEOPLE CONTINUE TO BE HELD UNDER THE SECURITY ACT, BUT ABOUT 40 DETAINEES HAVE BEEN RELEASED WITHIN THE PAST FEW MONTHS. BETWEEN 100 AND 200 PRISONERS CURRENTLY HELD UNDER CRIMINAL STATUTES MAY HAVE BEEN ARRESTED FOR POLITICALLY-INSPIRED ACTIONS.

D. DENIAL OF FAIR PUBLIC TRIAL

NEPAL HAS A WELL-ORGANIZED SYSTEM OF COURTS, BUT JUDGES ARE BEHOLDEN TO THE GOVERNMENT AND IT WOULD BE HIGHLY UNLIKELY THAT A JUDGE WOULD RULE AGAINST THE GOVERNMENT EITHER ON A POLITICALLY-INSPIRED PROSECUTION OR AN APPEAL FOR THE RELEASE OF PRISONERS DETAINED WITHOUT SPECIFIC CHARGES.

E. INVASION OF THE HOME

ARBITRARY SEARCH AND SEIZURE HAS NOT BEEN A SIGNIFICANT HUMAN RIGHTS PROBLEM IN NEPAL. EXCEPT IN THE FEW INSTANCES WHERE THE POLICE ARE RELIEVED OF SUCH OBLIGATIONS BY SPECIFIC LAWS, INCLUDING THE RECENTLY ENACTED NARCOTICS CONTROL LEGISLATION, ARREST OR SEARCH WARRANTS ARE REQUIRED PRIOR TO SEARCH AND SEIZURE.

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2. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION.

THE GOVERNMENT OF NEPAL ATTEMPTS TO USE ITS SCARCE RESOURCES TO MEET THE BASIC NEEDS OF ITS PEOPLE BY INCREASING THE ECONOMIC GROWTH RATE AND BUILDING THE COMMUNICATION AND TRANSPORTATION NETWORKS REQUIRED TO INTEGRATE ISOLATED AREAS OF THE COUNTRY. NEPALESE DECISION MAKERS HAVE, HOWEVER, IN THE PAST FEW YEARS REORIENTED THEIR DEVELOPMENT PROGRAMS TO DEAL MORE DIRECTLY WITH POVERTY. THE KING HAS ASSUMED THE LEADERSHIP OF THE ECONOMIC DEVELOPMENT EFFORT AND HIS INSISTENCE THAT PROGRAMS BE SPREAD AMONG THE FOUR DEVELOPMENT REGIONS, RATHER THAN CONCENTRATED IN KATHMANDU AND THE LOWLANDS, TENDS TO BENEFIT THE POORER AREAS OF THE COUNTRY.

3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION AND ASSEMBLY

LOYALTY TO THE KING AND THE "PANCHAYAT" SYSTEM OF ELECTIONS IS A PREREQUISITE FOR LEGAL POLITICAL ACTIVITY. POLITICAL PARTIES ARE PROHIBITED AND THE GOVERNMENT EXERCISES CONSIDERABLE INFLUENCE OVER THE SELECTION OF CANDIDATES FOR THE VILLAGE, DISTRICT, ZONAL, AND NATIONAL PANCHAYATS (ASSEMBLIES). OTHER THAN AT THE VILLAGE LEVEL, ELECTIONS ARE INDIRECT, I.E., MEMBERS ARE CHOSEN BY THE IMMEDIATELY LOWER LEVEL. THE GOVERNMENT, HOWEVER, WILL PROBABLY SOON ACCEPT DIRECT ELECTIONS FROM THE DISTRICT LEVEL TO THE NATIONAL PANCHAYAT. FREEDOM OF SPEECH AND OF THE PRESS IN NEPAL IS RESTRICTED BY THE PRINCIPLE THAT THE MONARCHY AS

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AN INSTITUTION AND THE ROYAL FAMILY IN THEIR PERSONS ARE ABOVE CRITICISM. THE GOVERNMENT CONTROLS THE PRINCIPAL ENGLISH AND NEPALI DAILY NEWSPAPERS, BUT NUMEROUS NEWSPAPERS CARRY ON A SOMETIMES SPIRITED CRITIQUE OF GOVERNMENT (AS

DISTINGUISHED FROM PALACE) ACTIONS. FOREIGN PUBLICATIONS ARE BANNED IN NEPAL IF THEY PUBLISH ARTICLES THAT THE GOVERNMENT REGARDS AS TOO OFFENSIVE. ALL ASSOCIATIONS, INCLUDING THE INEFFECTIVE, GOVERNMENT-SPONSORED LABOR UNION, ARE DIRECTLY INFLUENCED BY THE GOVERNMENT. ALTHOUGH NEPALESE LAW PROHIBITS RELIGIOUS PROSELYTIZING, THE NEPALESE ARE PROUD OF THEIR LONG TRADITION OF RELIGIOUS TOLERANCE, EXEMPLIFIED BY HINDUS AND BUDDHISTS WORSHIPPING IN EACH OTHERS' SHRINES.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION

THERE ARE NO RESTRICTIONS ON MOVEMENT WITHIN THE COUNTRY OR ABROAD.

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

POLITICAL PARTIES WERE BANNED IN 1960 AND REPLACED BY THE PANCHAYAT SYSTEM, WHICH IS DESIGNED TO INVOLVE THE PEOPLE IN PUBLIC AFFAIRS WHILE PROTECTING THE CROWN'S AUTHORITY. THE GOVERNMENT ALLOWS SOME PROMINENT OPPOSITION LEADERS TO CRITICIZE THE SYSTEM PRIVATELY. B.P. KOIRALA, NEPAL'S FORMER PRIME MINISTER AND PRIMARY OPPOSITION FIGURE, WAS DETAINED FROM 1960 TO 1968 AND AGAIN IN DECEMBER 1976. IN ACCORDANCE WITH THE CONDITIONS SET BY THE KING PRIOR TO HIS TEMPORARY RELEASE IN JUNE FOR MEDICAL TREATMENT IN THE UNITED STATES, KOIRALA RETURNED TO DETENTION WHEN HE CAME BACK TO NEPAL IN DECEMBER 1977. ALTHOUGH KOIRALA FACES CRIMINAL CHARGES, HIS SUPPORTERS MAINTAIN THAT HE HAS BEEN DETAINED FOR POLITICAL REASONS.

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4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

THE GOVERNMENT OF NEPAL ALLOWED REPRESENTATIVES OF AMNESTY INTERNATIONAL TO VISIT THE COUNTRY IN LATE 1977 TO REPORT

ON HUMAN RIGHTS VIOLATIONS. IN THE PAST, AMNESTY INTERNATIONAL HAS EXPRESSED CONCERN ABOUT THE HUMAN RIGHTS SITUATION AND THE ARREST OF SPECIFIC INDIVIDUALS. SEVERAL OF THESE INDIVIDUALS HAVE RECENTLY BEEN RELEASED. WE KNOW OF NO OTHER RECENT OCCASION ON WHICH AN INTERNATIONAL BODY HAS SOUGHT TO VISIT NEPAL TO INVESTIGATE HUMAN RIGHTS CONDITIONS. END TEXT. VANCE

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## Message Attributes

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